

THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

RUBY ELEVERA §  
§  
v. § Civil Action No. 4:22-cv-867-SDJ-KPJ  
§  
STATE FARM LLOYDS §  
§  
§

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On August 2, 2023, the Magistrate Judge entered proposed findings of fact and a recommendation (the “Report”), (Dkt. #21), that Defendant State Farm Lloyds’s Partial Motion to Dismiss for Failure to State a Claim Pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b) (the “Motion to Dismiss”), (Dkt. #13), be granted. The Magistrate Judge recommended Plaintiff Ruby Elevera’s (“Plaintiff”) extra-contractual claims be dismissed without prejudice, and Plaintiff be given leave to file an amended complaint no later than fourteen (14) days after the entry of a Memorandum Adopting Report and Recommendation, if any.

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s Report as the findings and conclusions of the Court.

Accordingly, the Motion to Dismiss, (Dkt. #13), is **GRANTED**. Plaintiff's extra-contractual claims are **DISMISSED WITHOUT PREJUDICE**, and Plaintiff is given leave to file an amended complaint no later than fourteen days after the entry of this Memorandum Adopting Report and Recommendation.

**So ORDERED and SIGNED this 20th day of September, 2023.**



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SEAN D. JORDAN  
UNITED STATES DISTRICT JUDGE